

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FRAN KEARINS, ET AL.,,

Plaintiffs,

v.

THE VILLAGE CREEK OF ELDORADO  
HOME OWNERS' ASSOCIATION, INC., ET  
AL.,

Defendants.

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CIVIL ACTION NO. 4:17-CV-769

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 30, 2018, the report of the Magistrate Judge (Dkt. #10) was entered containing proposed findings of fact and recommendations that Plaintiff James Kappele be dismissed from this action based upon the parties' Stipulation of Dismissal. *See id.*

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that Plaintiff James Kappele is **DISMISSED** from this lawsuit, with costs taxed against the party incurring the same.

The claims asserted by Plaintiffs Fran Kearins, James Kearins, and Kearins House Sober Living No. 1 LLC d/b/a Elevated Living remain pending at this time.

**IT IS SO ORDERED.**

**SIGNED this 18th day of June, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE